

MAGISTRATE JUDGE

8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 BILLY TAYLOR,

15 Defendant.

) No. CR17-5318

) FINDINGS AND ORDER ACCEPTING
) DEFENDANT FOR DEFERRED
) PROSECUTION, APPROVING
) TREATMENT PLAN, AND
) DIRECTING DEFENDANT TO TAKE
) TREATMENT AS PRESCRIBED

16 THIS MATTER, coming on for hearing this 11th day of December, 2017, upon
17 the defendant's Petition for Deferred Prosecution; the defendant appearing in person
18 and by his attorney, Linda Sullivan, Assistant Federal Public Defender; the United
19 States of America being represented by Barbara Sievers, Assistant United States
20 Attorney; the Court, having examined and incorporated into the record Petitioner's
21 Petition and Statement in support of deferred prosecution, the evaluation and treatment
22 report prepared by COMCARE Addiction Treatment Services, and the files and records
23 herein, being fully advised in the premises, does now make and enter the following:

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1 **I. FINDINGS OF FACT**

2 A. On or about the 30th day of July, 2017, Petitioner was charged with the
3 offense/offenses charged in the Information. This offense occurred as a direct result of
4 alcoholism/chemical dependency problems;

5 B. Petitioner suffers from an alcohol/drug problem and is in need of
6 treatment;

7 C. The probability of similar misconduct in the future is great if the problem
8 is not treated;

9 D. Petitioner is amenable to treatment;

10 E. An effective rehabilitative treatment plan is available to Petitioner
11 through COMCARE Addiction Treatment Services, an approved treatment facility as
12 designated by the laws of the State of Washington, and Petitioner agrees to be liable for
13 all costs of this treatment program;

14 F. That Petitioner agrees to comply with the terms and conditions of the
15 program offered by the treatment facility as set forth in the diagnostic evaluation from
16 COMCARE Addiction Treatment Services, attached to Statement of Petitioner filed
17 herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

18 G. That Petitioner has knowingly and voluntarily stipulated to the
19 admissibility and sufficiency of the facts as contained in the written police report
20 attached to Statement of Petitioner filed herewith.

21 H. That Petitioner has acknowledged the admissibility of the stipulated facts
22 in any criminal hearing or trial on the underlying offense or offenses held subsequent to
23 revocation of this Order Granting Deferred Prosecution and that these reports will be
24 used to support a finding of guilt;

1 I. That Petitioner has acknowledged and waived the right to testify, the right
2 to a speedy trial, the right to call witness to testify, the right to present evidence in his
3 or her defense, and the right to a jury trial;

4 From the foregoing FINDINGS OF FACT, the Court draws the following:

5 **II. CONCLUSIONS OF LAW**

6 A. That the above-entitled Court has jurisdiction over the subject matter and
7 Petitioner Billy Taylor, in this case;

8 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
9 of RCW 10.05 et seq.;

10 C. That the diagnostic evaluation and commitment to treatment meets the
11 requirements of RCW 10.05.150;

12 D. That Petitioner is eligible for deferred prosecution.

13 **III. ORDER**

14 Having made and entered the foregoing FINDINGS OF FACT and
15 CONCLUSIONS OF LAW, it is hereby

16 ORDERED that the defendant is accepted for deferred prosecution. The
17 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to
18 RCW 10.05 et seq., upon the following terms and conditions:

19 A. Petitioner shall be on probation for the deferral period and follow the
20 rules and regulations of probation;

21 B. Petitioner shall enroll in and successfully complete the two-year treatment
22 program recommended by COMCARE Addiction Treatment Services according to the
23 terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of
24 which is attached to the Petition and incorporated herein by reference. Petitioner shall
25 not change treatment agencies without prior Probation approval;
26

1 C. The treatment facility, COMCARE Addiction Treatment Services, shall
2 file with the United States Probation Office status reports of Petitioner's compliance
3 with treatment, monthly during the first year of the deferred prosecution period and
4 every three (3) months during the second year. The Court may increase the frequency
5 of these reports at its discretion;

6 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
7 change.

8 E. Petitioner shall abstain during the deferred prosecution period from any
9 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

10 F. Petitioner shall not operate a motor vehicle on the public highways
11 without a valid operator's license and proof of liability insurance sufficient to comply
12 with the state laws on financial responsibility;

13 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
14 related offenses or other criminal offenses during the period of deferral,

15 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
16 questioned, or cited by Law Enforcement;

17 I. In the event that Petitioner fails or neglects to carry out and fulfill any
18 term or condition of his treatment plan or violates any provision of this Order or any
19 rule or regulation of his probation officer, upon receiving notice, the Court shall hold a
20 hearing to determine why Petitioner should not be removed from deferred prosecution
21 and prosecuted for the offense/offenses charged;

22 J. In the event the Court finds cause to revoke this deferred prosecution, the
23 stipulated police reports shall be admitted into evidence, and Petitioner shall have her
24 guilt or innocence determined by the Court;

1 K. That the statement of Petitioner for Deferred Prosecution shall remain
2 sealed, and all subsequent reports or documents relating to her treatment information
3 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

4 L. That the Department of Licensing be notified of this Order accepting the
5 Petitioner for deferred prosecution;

6 M. Upon proof of Petitioner's successful completion of five years deferral
7 period in this Order, the Court shall dismiss the charges pending against Petitioner.

8 N. Additional conditions:

- 9 1. The defendant shall not enter any establishment where alcohol is the
10 primary commodity for sale.
- 11 2. The defendant shall participate as instructed by the U.S. Probation Officer
12 in a program approved by the probation office for treatment of narcotic
13 addiction, drug dependency, or substance abuse, which may include
14 testing to determine if defendant has reverted to the use of drugs or
15 alcohol. The defendant shall also abstain from the use of alcohol and/or
16 other intoxicants during the term of supervision. Defendant must
17 contribute towards the cost of any programs, to the extent defendant is
18 financially able to do so, as determined by the U.S. Probation Officer. In
19 addition to urinalysis testing that may be a part of a formal drug treatment
20 program, the defendant shall submit up to eight (8) urinalysis tests per
21 month.
- 22 3. The defendant shall participate as directed in a mental health program
23 approved by the United States Probation Office. The defendant must
24 contribute towards the cost of any programs, to the extent the defendant is
25 financially able to do so, as determined by the U.S. Probation Officer.
- 26 4. The defendant, who is required to register under the Sex Offender
Registration and Notification Act, must comply with all requirements of
that Act. The defendant shall report the address where the defendant will
reside and any subsequent change of residence to the probation officer
responsible for supervision, and shall register as a sex offender in any
jurisdiction where the person resides, is employed, or is a student. For
initial registration purposes only, the defendant shall also register in the
jurisdiction in which convicted if such jurisdiction is different from the
jurisdiction of the residence. Registration must occur within three

1 business days after sentencing if the defendant is sentenced to probation
2 or time served, or a term of imprisonment and is not remanded. If the
3 defendant is remanded, registration must occur within three business days
4 of release.

- 5 5. The defendant shall be restricted from employment as a commercial
6 driver, in any capacity.

7 DONE IN OPEN COURT this 11th day of December, 2017.

8 

9 UNITED STATES MAGISTRATE JUDGE

10 Presented by:

11 s/Linda Sullivan

12 Linda Sullivan

13 Attorney for Petitioner

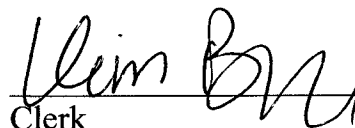
14 I have received a copy of the foregoing Order of Deferred Prosecution. I have
15 read and understand its contents, and agree to abide by the terms and conditions set
16 forth herein.

17 Dated: 12.11.17

18 

19 Billy Taylor
20 Petitioner

21 I certify that a copy of this signed Order was mailed to the subject treatment
22 facility, on December 12, 2017. The United States Probation Office was also
23 furnished a copy of this Order.

24 

25 Clerk
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